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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION**

LINDA SOMERS

Plaintiff,

v.

PAYPAL, INC.

Defendant.

Case No.: 6 : 14 - cv - 813

COMPLAINT

(Unlawful Debt Collection Practices)

LINDA SOMERS (Plaintiff), through her attorneys,, alleges the following against
PAYPAL, INC. (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Telephone Consumer Protection Act, 28 U.S.C. § 227 *et seq.* (TCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331.
4. Defendant conducts business in the state of Oregon, and therefore, personal jurisdiction is established.

5. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

6. Plaintiff is a natural person residing in Eugene, Lane County, Oregon.
7. Defendant is a business entity with offices located throughout the country, including an office in San Jose, California.

FACTUAL ALLEGATIONS

10. In or around July of 2013, Defendant began placing collection phone calls to Plaintiff, seeking and demanding payment for an alleged consumer debt.
11. Defendant places collection calls to Plaintiff's cellular telephone number at 541-556-13XX.
12. Defendant placed collection calls from telephone numbers including, but not limited to, 888-895-5592.
13. Per its prior business practices, each of these collection calls were placed using an automatic telephone dialing system.
14. In or around July of 2013, Plaintiff spoke to Defendant's representative and requested that Defendant cease placing calls to her cellular phone.
15. Plaintiff revoked any consent, express or implied, to receive automated calls from Defendant on her cellular telephone.
16. Despite Plaintiff's request to cease, Defendant continued placed at least thirty (30) calls to Plaintiff at the following approximate dates and times:
 - July 5, 2013: two (2) calls;
 - July 6, 2013: two (2) calls;
 - July 8, 2013: one (1) call;

- July 9, 2013: one (1) call;
- July 10, 2013: two (2) calls;
- July 11, 2013: one (1) call;
- July 16, 2013: one (1) call;
- July 17, 2013: two (2) calls;
- July 18, 2013: one (1) call;
- July 19, 2013: two (2) calls;
- July 22, 2013 two (2) calls;
- July 23, 2013: two (2) calls;
- July 24, 2013: one (1) call;
- July 25, 2013: two (1) calls;
- July 26, 2013: one (1) call;
- July 29, 2013: two (2) calls;
- July 30, 2013: one (1) call;
- July 31, 2013: one (1) call;
- August 1, 2013: one (1) call;
- August 3, 2013: one (1) call;
- August 6, 2013: one (1) call;
- August 7, 2013: one (1) call.

COUNT I
DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTIONS ACT

17. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation

pursuant to 47 U.S.C. § 227(b)(3)(B).

18. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

PRAYER FOR RELIEF

Wherefore, Plaintiff, LINDA SOMERS, respectfully requests judgment be entered against Defendant, PAYPAL, INC. for the following:

19. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);
20. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);
21. All court costs, witness fees and other fees incurred; and
22. Any other relief that this Honorable Court deems appropriate.

DATED: May 16, 2014

RESPECTFULLY SUBMITTED,

By: s/Sharon D. Cousineau
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